

REMARKS

Applicant thanks the Examiner for the consideration given the present application.

Claims 3-27 are now present in this application. Claims 3, 10, 16, 17, 23, 26 and 27 are independent. Claims 17 and 27 are amended. Claims 28-33 are canceled. No new matter is involved. Support for the amendment of claim 17 is found throughout Applicant's original disclosure including, for example, the paragraph bridging pages 7 and 8. Support for amended claim 27 is found in claims 28-33. Reconsideration of this application, as amended, is respectfully requested.

Acknowledgement of IDS Citations

Applicant thanks the Examiner for considering, and providing initialed copies, of the three PTO-1449 forms filed in this Application as part of the Information Disclosure Statements filed in this Application

Claim Rejections under 35 U.S.C. §103

Claims 3, 4, 7, 10-14, 16-22 and 26 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,536,661 to Takami et al. (hereinafter, "Takami") in view of U.S. patent 6,466,783 to Dahm et al.

(hereinafter, "Dahm"). Applicant respectfully traverses this rejection and requests reconsideration thereof.

In rejecting claims under 35 U.S.C. §103, it is incumbent on the Examiner to establish a factual basis to support the legal conclusion of obviousness. See, In re Fine, 837 F.2d 1071, 1073, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). In so doing, the Examiner is expected to make the factual determinations set forth in Graham v. John Deere Co., 383 U.S. 1, 17, 148 USPQ 459, 467 (1966), and to provide a reason why one of ordinary skill in the pertinent art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention. Such reason must stem from some teaching, suggestion or implication in the prior art as a whole or knowledge generally available to one having ordinary skill in the art. Uniroyal Inc. v. E-Wiley Corp., 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438 (Fed. Cir. 1988), cert. denied, 488 U.S. 825 (1988); Ashland Oil, Inc. v. Delta Resins & Refractories, Inc., 776 F.2d 281, 293, 227 USPQ 657, 664 (Fed. Cir. 1985), cert. denied, 475 U.S. 1017 (1986); ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). These showings by the Examiner are an essential part of complying with the burden of presenting a *prima facie* case of obviousness. Note, In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). The mere fact that the prior art may be modified in the manner suggested by the Examiner does not

make the modification obvious unless the prior art suggested the desirability of the modification. In re Fritch, 972 F.2d 1260, 1266, 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be suggested or taught by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1970). All words in a claim must be considered in judging the patentability of that claim against the prior art. In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

A showing of a suggestion, teaching, or motivation to combine the prior art references is an “essential evidentiary component of an obviousness holding.” C.R. Bard, Inc. v. M3 Sys. Inc., 157 F.3d 1340, 1352, 48 USPQ2d 1225, 1232 (Fed. Cir. 1998). This showing must be clear and particular, and broad conclusory statements about the teaching of multiple references, standing alone, are not “evidence.” See In re Dembiczak, 175 F.3d 994 at 1000, 50 USPQ2d 1614 at 1617 (Fed. Cir. 1999).

Independent claims 3, 10 and 16 positively recite, among other features, a “radio signal receiving block for . . . determining whether the received signal corresponds to a general information or a balance storing information.”

Takami only discloses balance information once, in col. 7, line 13, and then only in the context of the types of electronic money information stored in electronic money information memory 30 and information processing unit 31 of

IC card 1. In regard to balance information, Takami merely discloses that information processing unit 31 is used for controlling "output of the balance."

Thus, the sum total of Takami's disclosure regarding balance is "de minimis."

The Office Action mischaracterizes Takami in a number of aspects.

Firstly, the Office Action says that Takami has a "computation logic block" but disclosure of neither the word "computation" nor the word "logic" is found in Takami. Accordingly, it is not clear what portion of Takami is referred to by "computation logic block."

Secondly, the Office Action states that Takami's unidentified "computation logic block" is "for comparing a serial number extracted from the received signal with a previously stored serial number if it is determined that the received information corresponds to balance storing information and storing a balance storing data extracted from the balance storing into the memory block if the extracted serial number and the previously stored serial number are determined to be the same and the balance storing information transmitted from the radio signal block is determined to be a proper signal." Applicant respectfully disagrees. There is absolutely no disclosure in Takami of determining that the received information corresponds to balance storing information. The only disclosure of balance storing information throughout all of Takami is in col. 7, lines 4-13, and that only states that the "IC card 1 includes electronic money

information memory 30 in which electronic money information is stored . . . for controlling update of the electronic money information of the electronic money memory 30, output of the balance, and the like.

Thirdly, Takami does not disclose the recited “non-contact block for storing a balance storing amount into the memory block using a card storage unit and reading a balance storing amount of the memory device when paying the money” feature, as alleged. The alleged basis for this disclosure is from col. 11, line 40 to col., 12, line 58 and Figs 13-15. Applicant respectfully points out that there is no explicit disclosure of “balance information” from col. 11, line 40 to col. 12, line 58, and the Office Action fails to explain where balance information is inherently (i.e., necessarily – not just probably or possibly) disclosed in this portion of Takami.

Furthermore, Takami neither discloses nor suggests any device for “determining whether the received signal corresponds to a general information or a balance storing information.”

The Office Action admits that Takami fails to teach determining whether the received radio signal corresponds to general information or to balance storing information..

In an attempt to remedy this admitted deficiency in Takami, the Office Action turns to Dahm.

Dahm is directed to visual user interfaces for mobile communications subscriber account services including billing and customer service requests.

The Office Action states that Dahm can determine when a signal corresponds to account balance information, citing col. 7, lines 6-32 and col. 9, line 8 through col. 10, line 13.

Actually, col. 7, lines 6-32 says nothing about account balance.

Col. 9, line 8 through col. 10, line 13 discloses a screen display 502 that has three user-selectable choices, selectable, for example, by using a thumb wheel, a mouse, or a rocking controller. The first user-selectable choice places the client device to a voice mode to make phone calls. The second user-selectable choice places the client device to navigate the Internet. The third user-selectable choice allows the user to view or access "Customer Services."

In response to the third choice, the device displays whatever information is selected as a default. If a user is interested in the account status, the user selects "Account Status." Only after the user selects "Account Status" is the associated account status fetched and displayed. The detailed account status is displayed as a new screen display. Fig. 5F shows account balance and allows a user to enter a new amount to add to the balance.

It is clear that Dahm does not disclose a radio signal receiving block for receiving a radio signal and determining whether the received signal corresponds to general information or balance storing information, as recited in claims 3 and

10. In Dahm, any determination of the content of the received radio signal is made by a user. Dahm's handheld device merely receives information and displays that information to a user to let the user decide what information to work with.

The Office Action then concludes that it would be obvious "to modify the teachings of Takami and include general information from balance storing information as taught by Dahm because handheld devices, such as phones described by Takami, perform multiple tasks and the device has to recognize based on the received signal how to process and communicate the received signal.

Firstly, the Office Action does not explain how Dahm includes "determining general information from balance storing information" or what that has to do with the invention recited in claims 3 and 10, which positively recites a radio signal receiving block for receiving a radio signal and determining whether the received signal corresponds to a general information or a balance storing information.

Secondly, the Office Action does not state exactly how Takami is to be modified to include determining general information from balance storing information. The Office Action fails to explain what parts of Takami are to be replaced or changed or modified and in what way and to what degree for "determining general information from balance storing information."

Thirdly, neither reference discloses a radio signal receiving block for receiving a radio signal and determining whether the received signal corresponds to a general information or a balance storing information, as recited, so even if these references were somehow combined, they would not result in the claimed invention.

Fourthly, the Office Action fails to mention any motivation to modify Takami in view of Dahm. A showing of proper motivation to modify one reference in view of another is a fundamental requirement of a rejection under 35 U.S.C. §103, as explained above. The Office Action does not mention one reason for a skilled worker to be motivated to combine these two references.

Accordingly, the Office Action fails to make out a *prima facie* case of obviousness of the claimed invention positively recited in independent claims 3, 10 and 16.

With respect to claim 4, the Office Action still does not identify the "computation logic block" in Takami, and the reference to col. 12, lines 6-58 and Figs. 13-15 of Takami contains no disclosure or suggestion of a computation block designed so that a certain amount of data is stored in the memory block only when first and second balance storing information is received from the radio signal block. In col. 12, lines 6-58, Takami merely determines if two IDs of two different ICs coincide and fails to disclose receipt of first and second balance

storing information from a radio signal receiving block, and fails to disclose a computation block storing a certain amount of data in the memory block when first and second balance storing information are received from the radio signal block. There is no disclosure in Takami of "first and second balance storing information" being received, as recited, in col. 12, lines 6-58 (or in Figs 13-15 that merely show system layout), or of an apparatus storing a certain amount of information in a memory block "only when first and second balance storing information are all received from the radio signal storing block," as recited, in column 12, lines 6-58 or Figs 13-15. Takami is totally devoid of such features. Accordingly, Takami, even modified as suggested, does not disclose or suggest the subject matter positively recited in claim 4.

With respect to claim 7, Takami does not disclose, in col. 11, line 40 through col. 12, line 58 (as alleged) a unit "for storing balance storing data . . . if the received signal corresponds to balance storing operation," as recited, or "reading the balance storing data stored in the memory block if money is paid," or for doing so on the condition that the received signal at the radio signal receiving block corresponds to balance storing information, as recited. As pointed out above, Takami's disclosure regarding "balance" is extremely limited. In fact it is limited to disclosing that Takami has an information-processing unit 31 for controlling the output of the balance. Moreover, the reference to the more

than 80 lines of col. 11, line 40 to col. 12, line 58 without a hint of what lines constitute a disclosure of the features recited in claim 7, denies Applicant fundamental procedural and substantive due process under the Administrative Procedures Act.

Accordingly, Takami, even modified as suggested, does not disclose or suggest the subject matter positively recited in claim 7.

With respect to claim 11, the Office Action contains no explanation of what part of Takami allegedly discloses where a computation block is designed so that a certain amount of data is stored in the memory block only when first and second balance storing information is determined to be proper information. In fact, this claimed feature is not even addressed in the rejection. Moreover, no reference to balance information is made in the referenced column 12, lines 15-58.

With respect to claims 12 and 13, Takami does not disclose stopping the service of a terminal when proper first balance storing information is received from the radio signal block, or to release a service stop state when balance storing cancellation information is received from the radio signal block during balance storing operation. Takami simply does not address these positively

recited features of claims 12 and 13 anywhere, let alone in the relied upon col. 11, line 40 through col. 12, line 58 and Figures 13-15.

With respect to claim 14, which recites a control means for decrypting a balance storing information, allegedly shown somewhere in the 67 or so lines referenced in the rejection in columns 11 and 12, Applicant respectfully submits that there is no such disclosure in Takami, who does not disclose anything to do with balance information in the referenced text, let alone storing the balance storing information, as recited. This argument, which was presented in the Replies filed on August 18, 2004 and December 6, 2004, has not been addressed in the outstanding Office Action, thereby violating the express requirements of MPEP §707.07(f).

With respect to independent claims 16 and 17, claim 16 positively recites a combination of features including control means judging whether output signal corresponds to a general information or a balance storing information, and claim 17 positively recites a combination of features including providing a device for automatically determining whether a received radio signal corresponds to balance storing information.

Neither applied reference discloses or suggests such features, for reasons stated above.

With respect to claim 26, nowhere can Applicant find in Takami or in Dahm, a disclosure of “personal information update information,” of “determining whether a received radio signal corresponds to personal information update information,” or of extracting a certain variable if the signal corresponds to such information, or any of the other steps recited in claim 26. In fact, the rejection does not even address the positively recited features of claim 26. This clearly violates Applicant’s fundamental procedural and substantive due process rights and fundamentally flaws the rejection of claim 26.

Moreover, as pointed out above, the Office Action also fails to make out a *prima facie* case of obviousness of the claimed invention by failing to provide any motivation to combine these two applied references.

For the aforementioned reasons, Applicant respectfully submits that claims 3, 4, 7, 10-14, 16-22 and 26 are not rendered unpatentable over Takami in view of Dahm, and these rejections are improper and should be withdrawn.

Claims 5, 6, 8, 9, 15, 23-25 and 27-33 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent 6,536,661 to Takami in view of Dahm and further in view of U.S. Patent 6,105,006 to Davis et al. (hereinafter, “Davis”). This rejection is respectfully traversed.

Applicant respectfully notes that claims 28-33 have been canceled and their subject matter added to claim 27.

Initially, Applicant notes that, with respect to claims 5, 6 and 8, that depend from claim 3, the Takami and Dahm references were applied in the rejection of claim 3, from which claims 5, 6 and 8 depend, and that Takami and Dahm do not disclose or suggest many of the recited features in claims 5, 6 and 8 for the same reasons that claim 3 is not rendered obvious by Takami and Dahm.

Moreover, Davis '006 only discloses "balance" in terms of a single sentence that is found in two separate locations in Davis, i.e., in col. 18, lines 34-38, and in col. 19, lines 36-40, which states that Davis' transaction processing system authenticates smart card 920, the requesting party's financial status (e.g., account balance, credit availability, etc.) and either completes or denies the transaction.

So, even if these three references were properly combined (which they are not for reasons stated below), they would not result in, or render obvious, the claimed invention recited in claims 5, 6 and 8.

As noted above, in rejecting claims under 35 U.S.C. §103, it is incumbent on the Examiner to establish a factual basis to support the legal conclusion of obviousness. See, In re Fine, 837 F.2d 1071, 1073, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). In so doing, the Examiner is expected to make the factual

determinations set forth in Graham v. John Deere Co., 383 U.S. 1, 17, 148 USPQ 459, 467 (1966), and to provide a reason why one of ordinary skill in the pertinent art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention. Such reason must stem from some teaching, suggestion or implication in the prior art as a whole or knowledge generally available to one having ordinary skill in the art. Uniroyal Inc. v. F-Wiley Corp., 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438 (Fed. Cir. 1988), cert. denied, 488 U.S. 825 (1988); Ashland Oil, Inc. v. Delta Resins & Refractories, Inc., 776 F.2d 281, 293, 227 USPQ 657, 664 (Fed. Cir. 1985), cert. denied, 475 U.S. 1017 (1986); ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). These showings by the Examiner are an essential part of complying with the burden of presenting a *prima facie* case of obviousness. Note, In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. In re Fritch, 972 F.2d 1260, 1266, 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be suggested or taught by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1970). All words in a claim must be considered in judging the patentability of that claim against the

prior art. In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

A showing of a suggestion, teaching, or motivation to combine the prior art references is an "essential evidentiary component of an obviousness holding." C.R. Bard, Inc. v. M3 Sys. Inc., 157 F.3d 1340, 1352, 48 USPQ2d 1225, 1232 (Fed. Cir. 1998). This showing must be clear and particular, and broad conclusory statements about the teaching of multiple references, standing alone, are not "evidence." See In re Dembiczak, 175 F.3d 994 at 1000, 50 USPQ2d 1614 at 1617 (Fed. Cir. 1999).

The alleged reason for combining Takami and Davis '006 (the rejection allegedly also involves Dahm although the body of the rejection fails to mention Dahm in the body of the rejection) is because both Takami and Davis teach storing electronic money with the use of radio frequency and comparing pertinent encrypted data to complete transactions, and because "it provides for an efficient manner for communicating messages to users for operations important to a customer and provide common auditory signals for unsuccessful transactions that a customer would be familiar with and easily comprehend."

Applicant respectfully submits that this showing of motivation is neither clear nor particular but is the type of broad, conclusory statement of both

references that, standing alone, are not proper evidence of proper motivation to combine these references as suggested. Compare, Dembiczak, cited above.

Furthermore, Davis teaches using a “distinctive audio alert pattern” to signal that “the financial transaction has been completed without error.” Davis does not teach generating “a call sound or an error sound during the balance storing operation” as recited.

Generating an audio alert pattern after an entire transaction has been completed without error is just the opposite of generating a call tone or an error sound during a balance storing operation.

The assertion that it would be obvious to provide “an auditory signal . . . for unsuccessful transactions” based a disclosure of generating a distinctive audio alert pattern to show just the opposite, i.e., that a transaction is a successful transaction, as is disclosed by Davis, is improper and fails to explain why one would do just the obvious of what Davis teaches. In fact, Davis actually teaches away from doing what is recited.

Furthermore, because Dahm (which is part of the rejection in that it is mentioned in the statement of the rejection, but appears to disappear in the body of the rejection of claims 5, 6, 8, 9, 15 and 23-25) discloses a number of different screen displays, one of ordinary skill in the art would be hard pressed to determine which one screen display to select to use an audible warning.

Applicant respectfully submits that this rejection is fatally flawed because the secondary reference to Dahm has been completely ignored and not taken into consideration in this rejection, leaving Applicant to speculate how Dahm applies to the rejection. This clearly violates Applicant's fundamental substantive and procedural due process rights under the Administrative Procedures Act.

Accordingly, the Examiner has not made out a *prima facie* case of proper motivation to combine the references or a *prima facie* case of obviousness of the invention recited in claims 5, 6 and 8, which is neither met nor made obvious by the resulting reference combination of Takami, Dahm and Davis.

With respect to claim 9, which recites a control means for decrypting an output signal of the radio apparatus, extracting certification information if there is a service stop signal, disables the memory block when the extracted certification information is the same as previously stored certification information and stopping service of the card. Applicant respectfully submits that there is no such disclosure in Takami or Dahm, who does not disclose anything to do with stopping service of a card upon and disabling the memory block as recited. The reference in the rejection to col. 11, line 59 to col. 12, line 5 fails to identify what features of that portion of Takami disclose the claimed invention and Applicant cannot find anything in that portion of Takami that discloses or suggests the claimed invention.

With respect to claim 15, Applicant notes that claim 15 is not disclosed, suggested or rendered obvious by the applied references for the same reasons that claim 10, from which these claims depend, is not disclosed, suggested or rendered obvious by Takami and Dahm.

Moreover, Davis '006 only discloses "balance" in terms of a single sentence that is found in two separate locations in Davis, i.e., in col. 18, lines 34-38, and in col. 19, lines 36-40, which states that Davis' transaction processing system authenticates smart card 920, the requesting party's financial status (e.g., account balance, credit availability, etc.) and either completes or denies the transaction.

So, even if Takami, Dahm and Davis were properly combined (which they are not for reasons stated below), they would not result in, or render obvious, the claimed invention recited in claim 15.

Moreover, for reasons stated above, Applicant respectfully submits that the Examiner has not made out a *prima facie* case of proper motivation to combine the references or a *prima facie* case of obviousness of the claimed invention.

Moreover, Davis only discloses "balance" in terms of a single sentence that is found in two separate locations in Davis, i.e., in col. 18, lines 34-38, and in

col. 19, lines 36-40, which state that Davis' transaction processing system authenticates smart card 920, the requesting party's financial status (e.g., account balance, credit availability, etc.) and either completes or denies the transaction.

Combining these three disclosures will not result in the invention recited in claim 15.

Applicant also notes that these arguments pertaining to claim 15 were presented in the Replies filed on August 18, 2004 and December 6, 2004, and are not addressed in the outstanding office Action, thereby violating MPEP §707.07(f).

With respect to claims 23-25, neither Takami nor Dahm nor Davis disclose the claimed invention. Davis comes closest by disclosing that its transaction processing system authenticates the smart card 920, the requesting party's financial status (such as its account balance, etc.) and either completes or denies the transaction. Neither Takami nor Dahm disclose this feature. Moreover, neither Takami nor Dahm nor Davis discloses determining whether there is no balance storing information and releasing a card service stop if extracted certification information is the same as previously stored certification information, as recited in claims 23-25.

Accordingly, even if these references were somehow combined, they would not result in, or render obvious, the claimed invention.

The Office Action asserts that Davis teaches stopping of the financial transaction with improper signals, referencing col. 11, line 59 through col. 12, line 5 and col. 23, lines 27-38. Applicant respectfully submits that col. 11, line 59 to col. 12, line 5 is Davis is irrelevant to the claimed invention and deals only with code word identification. Moreover, col. 23, lines 27-38 does not disclose, or suggest, "determining whether a card service stop or release information is received if there is no balance storing information," as recited in claims 23-25. Nor does referring to the aforementioned portion of Davis and alleging that Davis teaches completion of financial information, which does not even mention card balance information or card service stop information or card service stop release information, let alone determining if such information is received if there is no balance setting information, provide objective factual evidence of the existence of these claimed features in Davis.

Furthermore, there is absolutely no statement of why one of ordinary skill in the art would be motivated to modify Takami/Dahm, which do not disclose the recited features of claims 23-25, in view of Davis, which also does not disclose those claimed features. The only motivation statement in this rejection concerns an audible alert pattern, which has nothing to do with the features recited in claims 23-25.

In other words, not only do the two applied references not disclose a number of the positively recited features of claims 23-25, so that even if they

were properly combined, they would not meet or render obvious the claimed invention, but, additionally, no objective factual evidence of proper motivation to modify Takami/Dahm in view of Davis is found in the rejection.

Accordingly, the Office Action fails to make out a *prima facie* case of obviousness of the claimed invention.

Thus, the Examiner does not make out a *prima facie* case of obviousness of the claimed invention recited in claims 23-25.

With respect to claim 27, this claim recites method steps corresponding to many of the apparatus features recited in claims 3, 10 and 16, features which clearly are missing from Takami, Dahm and Davis for reasons discussed above.

For example, Takami has no disclosure or suggestion of determining whether received balance storing information corresponds to a first balance storing information. Nor does Takami disclose certifying any balance storing information at all, let alone based on whether the received balance storing information corresponds to first balance storing information. Takami's IC card merely functions to receive electronic money information (only generically disclosed by Takami as "money information" – see col. 12, lines 24-26) and the only matching does no Takami is "[w]hen the two IDs coincide, the information

processing unit 28 permits that the electronic money information in the IC card 25 is transferred . . .”

The Office Action fails to provide Applicant with sufficient detail to figure out what elements in Takami disclose the claimed invention.

The Office Action then admits that Takami fails to determine whether the received radio signal corresponds to general information or to balance storing information. Applicant respectfully notes that this feature is not found in claim 27, so this assertion is not relevant to the claimed invention.

Even if this feature were in claim 27, it would not be rendered obvious by Takami and Dahm for reasons discussed above, with respect to the rejections of claims 3, 10 and 16.

The Office Action also admits that Takami fails to disclose (1) setting a temporary service stop state if it is determined that the received balance storing information is a proper signal and waiting to receive second balance storing information; or (2) performing a certification of the second balance storing information when the second balance storing information is received and (3) determining whether the second balance storing information is a proper signal, and (4) storing a request amount if it is determined that the second balance storing signal is a proper signal, and (5) implementing an available state of the card.

In an attempt to provide these five missing features, the Office Action turns to Davis and relies on about over 100 lines of text in Davis without specifying which elements of Davis correspond to each positively recited feature of the claims.

In point of fact, Davis does not perform the five recited steps. Instead, Davis merely initiates a financial transfer sequence 1500. In this sequence, after verifying customer identity and “appropriate account information,” the bank or regulator initiates a sequence of events to achieve electronic transfer of the funds. Davis states that, typically, regulators permit financial transactions when a party has sufficient funds available or sufficient credit available, and regulators deny financial transactions when a party has insufficient funds or insufficient credit to complete a transaction.

Davis does not disclose or suggest the five aforementioned detailed steps whatsoever, either explicitly or inherently (it being remembered that for something to be disclosed inherently, it must necessarily occur, i.e., not just possibly or not just probably occur). See, in this regard, Trintec Indus., Inc. v. Top-U.S.A. Corp., 295 F.3d 1292, 1295, 63 USPQ2d 1597, 1599 (Fed. Cir. 2002) (quoting In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999)).

Actually, none of the applied references disclose these five positively recited features.

Accordingly, the Examiner does not make out a *prima facie* case of obviousness of the claimed invention recited in claims 27-33.

For at least the foregoing reasons, it is respectfully submitted that all pending claims are allowable over the applied art, regarding the rejection of claims 5, 6, 8, 9, 15, 23-25 and 27.

Accordingly, all claims, i.e., claims 3-27, should be allowed.

CONCLUSION

The stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

Applicant also respectfully requests that the next Office Action treat all the issues raised in this Reply, including acknowledging whether the formal drawings filed on August 18, 2004 overcome the Draftsperson's objections.

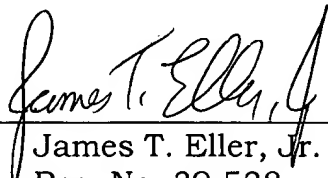
However, if there are any outstanding issues, the Examiner is invited to telephone Robert J. Webster, Reg. No. 46,472, at 703-205-8000, in an effort to expedite prosecution.

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Attorney Docket No. 0630-0913P
Reply to Office Action dated March 11, 2005

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,
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